

DIVISION 41

OPERATION OF PHARMACIES (RETAIL AND INSTITUTIONAL DRUG OUTLETS) CONSULTING PHARMACISTS AND OPERATION OF DRUG ROOMS

855-041-0016

Grounds for Discipline

The State Board of Pharmacy may impose one or more of the following penalties which includes: suspend, revoke, or restrict the license of an outlet or may impose a civil penalty upon the outlet upon the following grounds:

- (1) Unprofessional conduct as defined in OAR 855-006-0005;
- (2) Advertising or soliciting that may jeopardize the health, safety, or welfare of the patient including, but not be limited to, advertising or soliciting that:
 - (a) Is false, fraudulent, deceptive, or misleading; or
 - (b) Makes any claim regarding a professional service or product or the cost or price thereof which cannot be substantiated by the licensee.
- (3) Failure to provide a working environment that protects the health, safety and welfare of a patient which includes but is not limited to:
 - (a) Sufficient personnel to prevent fatigue, distraction or other conditions that interfere with a pharmacist's ability to practice with reasonable competency and safety.
 - (b) Appropriate opportunities for uninterrupted rest periods and meal breaks.
 - (c) Adequate time for a pharmacist to complete professional duties and responsibilities including, but not limited to:
 - (A) Drug Utilization Review;
 - (B) Immunization;
 - (C) Counseling;
 - (D) Verification of the accuracy of a prescription; and
 - (E) All other duties and responsibilities of a pharmacist as specified in Division 19 of this chapter of rules.

(4) Introducing external factors such as productivity or production quotas or other programs to the extent that they interfere with the ability to provide appropriate professional services to the public.

(5) Incenting or inducing the transfer of a prescription absent professional rationale.

Stat. Auth: ORS 689.151, 689.155(2), 689.205, 689.225(4)

Stat. Implemented: ORS 689.155